

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bulsara et al.

Serial No.: 10/510,968

Examiner: H. Ahmed

Filing Date: 9 May 2005

Art Unit: 1615

For: Dry Powder Inhalation Composition

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a Response to the Office Action dated 26 September 2006. The Office Action requires an election under 35 USC 121 and 372.

The Examiner has required restriction between the following groups:

- Group I, claims 1-7,
- Group II, claim 12,
- Group III, claims 14 and 15,
- Group IV, claims 16-21,
- Group V, claims 22 and 24, and
- Group VI, claims 23 and 25.

Applicants hereby provisionally elect with traverse to prosecute the claims of Group I, claims 1-7, and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims. Applicants note that pending claims 8-11 are not accounted for in the Examiner's restriction requirement. Claims 8-11 depend, directly or indirectly, from claim 1 and are each the same claim category as claims 1-7 (composition claims). Thus, Applicants suggest that Group I should include claims 1-11 and respectfully request that elected Group I be deemed to include claims 1-11.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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Date: Oct 12 2006
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